

Senate File 2171 - Introduced

SENATE FILE 2171

BY HARTSUCH

A BILL FOR

1 An Act relating to grandparent and great-grandparent

2 visitation.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 600C.1, Code 2009, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3A. Notwithstanding the requirements of
4 subsection 3, the court may grant visitation to the grandparent
5 or great-grandparent if the court finds all of the following by
6 clear and convincing evidence:

7 a. The grandparent or great-grandparent has established a
8 substantial relationship with the child prior to the filing of
9 the petition.

10 b. The parent is unable to provide evidence that the
11 grandparent or great-grandparent is unfit to be granted
12 visitation or that granting visitation will place the child at
13 risk of physical or emotional harm.

14 c. The relationship between the grandparent or
15 great-grandparent and the parent has been significantly
16 impaired causing the parent to act in the parent's best
17 interest.

18 d. Granting such visitation is in the best interest of the
19 child.

20 EXPLANATION

21 This bill relates to granting of visitation to grandparents
22 or great-grandparents. The bill provides that notwithstanding
23 the requirements for granting visitation to a grandparent
24 or great-grandparent, the court may grant such visitation
25 if the court finds by clear and convincing evidence that:
26 the grandparent or great-grandparent has established a
27 substantial relationship with the child prior to the filing of
28 the petition; the parent is unable to provide evidence that
29 the grandparent or great-grandparent is unfit to be granted
30 visitation or that granting visitation will place the child at
31 risk of physical or emotional harm; the relationship between
32 the grandparent or great-grandparent and the parent has
33 been significantly impaired causing the parent to act in the
34 parent's best interest; and granting such visitation is in the
35 best interest of the child.